

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on January 28, 2002.

I. DISPUTE

1. Whether there should be additional reimbursement for Ambulatory Surgical Center care for date of service October 30, 2001.

II. RATIONALE

An EOB was submitted to the requestor denying the disputed date of service for "M – No MAR/ASC reimbursement is based on fees established to be fair and reasonable in your geographical area. See attached itemization for reductions. Ambulatory Surgical Centers are not covered by the *Medical Fee Guideline* and shall be reimbursed at a fair and reasonable rate.

The respondent submitted a response to the initial request; however, documentation that would support the amount paid as being fair and reasonable was not provided. Rule 133.307(g)(3)(D) requires the requestor to discuss, demonstrate, and justify that the payment amount being sought is fair and reasonable. The requestor billed \$6,017.37 for the Ambulatory Surgical Center care; the respondent paid \$1,323.60 leaving a balance of \$4,693.77. The requestor did not submit evidence to show that their charges were fair and reasonable and did not prove that the Respondents rate of reimbursement was not fair and reasonable.

III. DECISION

Based upon the review of the disputed healthcare services within this request, the Medical Review Division has determined that the requestor is not entitled to reimbursement for Ambulatory Surgical Center care.

The above Decision is here-by issued this 28th day of August 2003.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

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